

ORDINANCE 2017-3
CROSS-CONNECTION CONTROL

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING ARTICLE II – REGULATION OF WATER AND SEWER UTILITIES, OF CHAPTER 49, UTILITIES, OF THE PALM COAST CODE OF ORDINANCES, BY ESTABLISHING NEW SECTIONS 49-32 THROUGH 49-43 SETTING FORTH UNIFORM REQUIREMENTS FOR CROSS-CONNECTION CONTROL OF THE WATER DISTRIBUTION SYSTEM AND RECLAIMED WATER SYSTEMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Palm Coast, Florida (the “City”) operates a public water system that serves water customers of the City and that meets the definition of a “community water system,” as set forth in Section 403.852(3), Florida Statutes; and

WHEREAS, the Florida Department of Environmental Protection (“FDEP”) adopted new administrative rules effective May 5, 2014 (Section 62-555.360, F.A.C., Cross-Connection Control for Public Water Systems), which require each community water system (“CWS”) to establish and implement a cross-connection control program utilizing backflow protection at or for service connections from the CWS in order to prevent contamination caused by the backflow of contaminants into the water system; and

WHEREAS, cross-connection control requirements are critical to the prevention of cross-connection hazards and other threats to the City’s potable water supply; and

WHEREAS, this Ordinance will enable the City to comply with all applicable state and federal laws as required by the Florida Safe Drinking Water Act, Sections 403.850-403.864, Florida Statutes, and Chapters 62-550 and 62-555, Florida Administrative Code; and

WHEREAS, the City Council finds that this Ordinance is necessary to protect the health, safety, and welfare of the residents of the City; and

WHEREAS, words with double underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text, and asterisks (***) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

SECTION 2. AMENDMENT OF ARTICLE II – REGULATION OF WATER AND SEWER UTILITIES. It is here hereby Ordained by the City of Palm Coast, Florida: That the Code of Ordinances, City of Palm Coast, Florida, is hereby amended by adding new sections, to be numbered 49-32 through 49-43, to Article II “Regulation of Water and Sewer Utilities” of Chapter 49, “Utilities”, which said sections read as follows:

Article II – Regulation of Water and Sewer Utilities.

Sec. 49-32 Definitions.

The following terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Backflow” shall mean the flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of the public water system from any source(s) other than its intended source.

“Backflow Prevention Device” shall mean any effective device, method or construction used to prevent backflow into the public water system. The

type of device used should be based on the degree of hazard, either existing or potential.

“City's Utility System” shall mean the potable water, reclaimed water, wastewater and raw water systems.

“Cross-Connection” shall mean any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage or other waste, or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as the result of backflow. By-pass arrangements, jumper connections, removable sections, swivel or changeable devices, and other temporary or permanent devices through which or because of which backflow could occur are considered to be cross-connections.

“Customer” shall mean any person, property owner, corporation, government entity, homeowners association or other legal entity that receives water, wastewater or reclaimed water services from the Utility Department or benefits directly from services rendered by the Utility Department, including the actual user of the water, wastewater or reclaimed water service.

“Manual” shall mean the City of Palm Coast “Cross-Connection Control Manual” promulgated by the Utility Director, as may be amended from time to time.

“Public water system” shall mean the potable water system which is owned or controlled by the City, including all facilities utilized for the production, treatment, storage, transmission distribution and delivery of potable water.

“Utility Department” shall mean the City of Palm Coast Utility Department.

“Water service” shall mean the supplying of potable water by the public water system to a customer, whether residential or non-residential.

Sec. 49-33 Jurisdiction.

All territory within the City served by the public water system shall be governed by this article to the extent permitted by law.

Sec. 49-34 Cross-Connection Control Program and Manual.

(a) Cross-connection control program. The Utility Director is hereby authorized to establish and implement a cross-connection control program through the adoption of a written policy in accordance with this article, and Rule 62-555,360, "Cross-Connection Control for Public Water Systems," Florida Administrative Code, as may be amended from time to time and which is incorporated herein by reference. The City of Palm Coast "Cross-Connection Control Manual" promulgated by the Utility Director, as may be amended from time to time, is hereby adopted and incorporated by reference as part of this article. A copy of the Manual shall be on file in the office of the City Clerk for public use, inspection and examination.

(b) The Manual shall be periodically reviewed and updated by the Utility Director of the City to ensure compliance with applicable statutes, rules and regulations of the state and the United States.

Sec. 49-35. Prohibited Acts.

(a) No person shall apply for or obtain water service or complete a water service connection to the City utility system unless the appropriate backflow prevention device, as specified in the Manual, is installed at the water service connection, and the service address is otherwise in compliance with the provisions of this article.

(b) No person shall complete or maintain any *cross*-connection to the public water system.

(c) No person shall complete or maintain any auxiliary water system or other potential *cross*-connection unless the appropriate backflow prevention device, as specified in the Manual, is installed at the water service connection.

(d) Modification of any backflow prevention device or backflow installation which results in bypass or failure of the backflow preventer to perform as designed shall be prohibited.

Sec. 49-36 Protection of Public Potable Water Supply.

The Utility Department is primarily responsible for protecting the public potable water supply against present or future possible contamination. This responsibility begins at the water supply source, includes the public water system and ends at the point of water delivery to the customer's premises or system. The customer is responsible for his or her on-site water lines, which begin at the discharge side of the meter / backflow prevention device.

Sec. 49-37 Minimum backflow protection.

The Manual shall identify categories of customers and shall establish the minimum backflow protection for each category of customer.

Sec. 49-38 Potable Water Backflow Prevention Devices; Fire Line Devices; Testing and Maintenance; Record Keeping.

(a) Potable Water Backflow Prevention Devices. All connections to the public water system shall be protected by a backflow prevention device acceptable to the Florida Department of Environmental Protection and of a size and design required by the Manual. All residential service connections shall have a double-check valve assembly that shall be supplied and installed by the City at the customer's expense. All commercial non-residential connections two inches or small shall have a reduced pressure backflow preventer that shall be supplied and installed by the City at the customer's expense. All commercial non-residential connections larger than two inches shall have a reduced pressure backflow preventer that shall be installed at the customer's expense by a licensed contractor, inspected by the City, and certified by a licensed and certified backflow prevention technician or a certified City backflow prevention technician.

(b) Fire Line Devices. All connections for fire lines connected to the public water system shall be protected with an approved double check valve assembly or as otherwise required by the Manual. All fire line backflow prevention devices shall be installed at the customer's expense by a licensed fire prevention contractor, inspected by the City, and certified by a licensed and certified backflow prevention technician. Backflow prevention devices on fire lines must be UL listed for fire protection systems. It shall be the responsibility of the customer to install all fire line backflow prevention devices in accordance with the installation criteria specified in the Manual.

(c) Testing and Maintenance. All potable water backflow prevention devices shall be tested, inspected and maintained by the City in accordance with the Manual and Rule 62-555.360, Florida Administrative Code. All fire line backflow prevention devices shall be tested, inspected and maintained, with a copy of the test supplied to the City, by a State of Florida licensed fire protection contractor in accordance with the National Fire Protection standards 24 and 25, as adopted by the Florida Fire Protection Code, all at the customer's expense.

(d) Recordkeeping. The Utility Department shall retain all records of tests, inspections, surveys and repairs as required by Chapter 119, Florida

Statutes, and Chapter 62-550, Florida Administrative Code. All backflow preventers will be inventoried with the testing and repairs archived in the City Cross-Connection Control data base. As applicable, records of the installation, inspection, testing, repair and replacement of required backflow preventers shall be provided to the Utility Department by the customer in accordance with the Manual.

Sec. 49-39 New Facilities.

All new construction for which a building permit is issued shall have installed on all potable and fire prevention system lines a backflow prevention device as required by this article. The location of the backflow prevention device will be at the property line or an alternative location mutually agreed by the customer and the City.

Sec. 49-40 Conflict Resolution.

If any conflict should exist between a provision of the Manual and the provisions of this article, the City Plumbing Code, the State Building Codes as adopted by the City, the Florida Safe Drinking Water Act (F.S. §§ 403.850 et seq.), or any other State, County or Federal statute, ordinance, rule or regulation applicable to the City utility system, the more restrictive provision shall apply. Unless otherwise provided in this article, in the event of any conflict between AWWA Manual M14 and any applicable statute, ordinance, rule or regulation, the statute, ordinance, rule or regulation shall apply.

Sec. 49-41 Emergency acts.

- (a) Upon discovery of a prohibited or inappropriately protected cross-connection, the City may interrupt water service to any private water system connected to its public water system when necessary to prevent the continued violation of this article, until such time that a resumption of service to the private water system is deemed appropriate by the City.
- (b) The Utility Director may take whatever emergency action that he or she deems necessary and appropriate to protect persons or property from any injury, loss, or damage which may reasonably be expected to result from a violation of this article or of any related regulation. The Utility Director shall not authorize any entry into a building or structure under such emergency powers without first obtaining the authorization of either:
 - 1. The property owner or lawful occupant of the structure; or
 - 2. A court of competent jurisdiction.

- (c) Advance notice of each interruption of service which is exercised pursuant to this section shall, to the extent practicable, be provided to the affected customers.
- (d) In the event of known contamination of the public water system or a private water system due to backflow on or from the service address, the customer and property owner shall promptly take reasonable steps to confine contamination of the public water system and shall immediately notify the City.

Sec. 49-42 Fees.

Fees for the administration of this article and the Manual shall be set forth in the fee schedule established pursuant to Section 49-53, or its successor. Amounts due to the City shall be liens upon the real property at which the service was provided.

Sec. 49-43 Violation; Liability.

This article may be enforced by any means authorized by law, including, but not limited to, Chapter 2, Article V, Division I, City of Palm Coast Code of Ordinances. Any person or customer violating this article, the Manual, or any rules or regulations adopted pursuant to this article shall be subject to:

- (a) Possible discontinuation of water service being provided by the City until such time as compliance is achieved;
- (b) Liability to the City for any expense or loss incurred as a result of physical or structural damage to the City Utility system or contamination of the public water system.

SECTION 3. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

SECTION 4. CODIFICATION. It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

SECTION 5. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

Approved on first reading this 4th day of April 2017.

Adopted on the second reading after due public notice and hearing this 18th day of April 2017.


CITY OF PALM COAST, FLORIDA

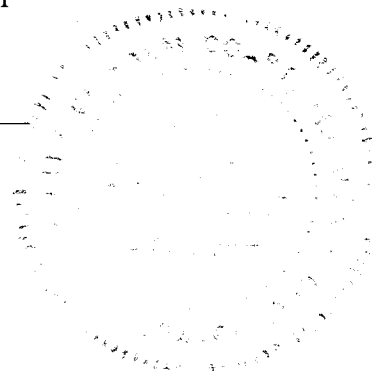

MILISSA HOLLAND, MAYOR

ATTEST:


VIRGINIA A. SMITH, CITY CLERK

APPROVED AS TO FORM AND LEGALITY


WILLIAM E. REISCHMANN, JR.



**Flagler/Palm Coast
NEWS-TRIBUNE**

Published Each Wednesday and Saturday
Flagler County, Florida

**State of Florida,
County of Flagler**

Before the undersigned authority personally appeared

Jennifer Lynch

who, on oath says that she is

LEGAL COORDINATOR

of The Flagler/Palm Coast NEWS-TRIBUNE, a twice weekly newspaper, published in Flagler County, Florida; that the attached copy of advertisement, being a

PUBLIC NOTICE

NT 2238274

in the Court,
was published in said newspaper in the issues.....

APRIL 5, 2017

Affiant further says that The Flagler/Palm Coast News-Tribune is a newspaper published in said Flagler County, Florida, and that the said newspaper has heretofore been continuously published in said Flagler County, Florida, each Wednesday and Saturday and has been entered as second-class mail matter at the post office in Flagler Beach, in said Flagler County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

Jennifer Lynch

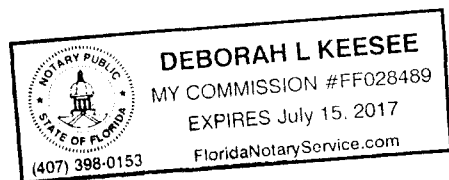
Sworn to and subscribed before me

This **5TH** of **APRIL**

A.D. 2017

Deborah L. Keese

49D



**CITY OF PALM COAST
NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held before the City Council of the City of Palm Coast on April 18, 2017 beginning at 9:00 a.m. in the Council Chambers in the Community Wing of City Hall located at 160 Lake Avenue, Palm Coast, Florida 32164. The purpose of the hearing is to hear all interested parties and act upon the adoption of Ordinance Number 2017-xx entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING ARTICLE II - REGULATION OF WATER AND SEWER UTILITIES, OF CHAPTER 49, UTILITIES, OF THE PALM COAST CODE OF ORDINANCES, BY ESTABLISHING NEW SECTIONS 49.32 THROUGH 49.43 SETTING FORTH UNIFORM REQUIREMENTS FOR CROSS-CONNECTION CONTROL OF THE WATER DISTRIBUTION SYSTEM AND RECLAIMED WATER SYSTEMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

This Ordinance is available for review at Palm Coast City Hall, 160 Lake Avenue, Palm Coast, Florida.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in these proceedings should contact Virginia Smith at 386-986-3713 at least 48 hours prior to the meeting.

If any person decides to appeal any decision made by Council with respect to any matter considered at such hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NT2238274, April 5, 2017 It.